

118TH CONGRESS
1ST SESSION

H. R. 1233

To provide for cash refunds for canceled airline flights and tickets.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2023

Mr. COHEN (for himself and Mr. RASKIN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for cash refunds for canceled airline flights and tickets.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cash Refunds for
5 Flight Cancellations Act of 2023”.

1 **SEC. 2. CASH REFUNDS FOR CANCELED AIRLINE FLIGHTS**
2 **AND TICKETS.**

3 (a) IN GENERAL.—Chapter 417 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“SEC. 41727. CASH REFUNDS FOR CANCELED AIRLINE**
7 **FLIGHTS AND TICKETS.**

8 “(a) CASH REFUNDS.—

9 “(1) REQUIREMENT.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (B), a covered carrier or ticket agent who
12 sells a ticket for a passenger to take a covered
13 flight, and either such flight is canceled or sig-
14 nificantly delayed (as defined by the Secretary
15 of Transportation) by the covered carrier or
16 such ticket is canceled by the passenger at least
17 48 hours before the scheduled departure of the
18 flight, shall offer the passenger a full cash re-
19 fund for such ticket, including any ancillary
20 fees paid, within 30 days of the passenger mak-
21 ing the request.

22 “(B) LIMITATION.—A covered carrier or
23 ticket agent shall only be required to offer a
24 cash refund under subparagraph (A) for 1
25 flight booked by a passenger on any city-pair
26 itinerary on any given date.

1 “(2) ALTERNATIVE FORM OF COMPENSATION.—

2 “(A) IN GENERAL.—A covered carrier or
3 ticket agent may offer an alternative form of
4 compensation determined appropriate by the
5 covered carrier or ticket agent, including a
6 credit, a voucher, or other mechanism to com-
7 pensate a passenger, provided that any such
8 offer includes a clear and conspicuous notice of
9 a passenger’s right to a cash refund under
10 paragraph (1).

11 “(B) NO EXPIRATION DATE.—An alter-
12 native form of compensation provided pursuant
13 to subparagraph (A) shall remain valid and re-
14 deemable by the passenger indefinitely.

15 “(3) RETROACTIVE REFUNDS.—In the case of a
16 passenger who—

17 “(A) received an alternative form of com-
18 pensation during the period beginning on
19 March 1, 2020, and ending on the day prior to
20 the date of enactment of this Act for a covered
21 flight or ticket for a covered flight canceled by
22 the covered carrier or by the passenger; and

23 “(B) has not fully used such alternative
24 compensation,

1 such passenger may request a cash refund to replace
2 the alternative compensation, or the remaining alter-
3 native compensation if the passenger has used part
4 of the alternative compensation, and the covered car-
5 rier or ticket agent shall comply with such request
6 within 30 days of receiving such request.

7 “(4) REIMBURSEMENT TO TICKET AGENT.—A
8 ticket agent who provides a cash refund to a pas-
9 senger under this section, including a retroactive re-
10 fund under paragraph (3), shall be entitled to
11 prompt reimbursement from any covered carrier for
12 the portion of the ticket price paid to that carrier.

13 “(b) FUNDING.—

14 “(1) IN GENERAL.—Subject to paragraph (2), a
15 covered carrier or ticket agent may use amounts ap-
16 propriated or otherwise made available to the com-
17 mercial airline industry in any appropriations en-
18 acted on or after March 1, 2020, in response to
19 COVID–19 to pay for the cash refunds under sub-
20 section (a), including retroactive refunds under para-
21 graph (3) of such subsection.

22 “(2) LIMITATION.—A covered carrier may not
23 use amounts appropriated under section 4112 of the
24 Coronavirus Economic Stabilization Act of 2020
25 (title IV of division A of the Coronavirus Aid, Relief,

1 and Economic Security Act (Public Law 116–136))
2 to pay for the cash refunds under subsection (a), in-
3 cluding retroactive refunds under paragraph (3) of
4 such subsection.

5 “(c) DISCLOSURE.—

6 “(1) PRIOR TO PURCHASE.—Prior to the sale of
7 a ticket for passenger to take a covered flight, a cov-
8 ered carrier or ticket agent shall disclose, in writing
9 in written or electronic communication, that the pas-
10 senger has a right to cancel their ticket at any time
11 for any reason and receive a full cash refund.

12 “(2) CANCELLED OR SIGNIFICANTLY DELAYED
13 FLIGHT.—In the case of a covered carrier or ticket
14 agent who sells a ticket for a passenger to take a
15 covered flight, if such flight is canceled or signifi-
16 cantly delayed (as defined by the Secretary of
17 Transportation) by the covered carrier or such ticket
18 is canceled by the passenger at least 48 hours before
19 the scheduled departure of the flight, the covered
20 carrier or ticket agent shall disclose, in writing in
21 written or electronic communication, that the pas-
22 senger has a right to receive a full cash refund for
23 their ticket.

1 “(3) REQUIREMENTS FOR DISCLOSURE.—Any
2 written or electronic disclosure under paragraph (1)
3 or (2) shall be in a clear and conspicuous format.

4 “(d) DEFINITIONS.—In this section:

5 “(1) AIR CARRIER, FOREIGN AIR CARRIER,
6 TICKET AGENT, AND UNITED STATES.—The terms
7 ‘air carrier, foreign air carrier, ticket agent, and
8 United States’ have the meanings given those terms
9 in section 40102.

10 “(2) COVERED CARRIER.—The term ‘covered
11 carrier’ means—

12 “(A) any passenger air carrier that had an
13 operating revenue in 2018 that exceeded
14 \$1,500,000,000 according to the Bureau of
15 Transportation Statistics; or

16 “(B) any passenger foreign air carrier op-
17 erating a flight to or from the United States.

18 “(3) COVERED FLIGHT.—The term ‘covered
19 flight’ means a flight of a covered carrier that is
20 scheduled to depart from, or arrive at, an airport lo-
21 cated in the United States.”.

22 (b) ENFORCEMENT.—Section 46301 of title 49,
23 United States Code, is amended by adding at the end the
24 following new subsection:

1 “(j) PENALTIES RELATING TO CASH REFUNDS FOR
2 CANCELED AIRLINE FLIGHTS AND TICKETS.—An air car-
3 rier or ticket agent that violates section 41727 shall be
4 liable to the Government for a civil penalty of \$1,000 for
5 each violation.”.

6 (c) CLERICAL AMENDMENT.—The analysis for chap-
7 ter 417 of title 49, United States Code, is amended by
8 adding at the end the following:

“41727. Cash refunds for canceled airline flights and tickets.”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the date of the enactment
11 of this Act.

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